UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/1995/NGO/2
23 June 1995

ORIGINAL: ENGLISH

Substantive session of 1995
Geneva, 26 June-28 July 1995
Item 5 (g) of the provisional agenda*

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: CRIME PREVENTION AND CRIMINAL JUSTICE

Statement submitted by Amnesty International, a non-governmental organization in consultative status with the Economic and Social Council, category II

The Secretary-General has received the following statement, which is circulated in accordance with paragraphs 23 and 24 of Economic and Social Council resolution 1296 (XLIV) of 23 May 1968.

* E/1995/100.

95-18873 (E) 050795 060795

/...

best copy available

Abolition of the death penalty

1. The death penalty is being abolished today faster than ever before in history. Nearly half of all countries have now abolished the death penalty in law or practice.

2. Amnesty International's latest figures show that 96 countries and territories have abolished the death penalty in law or practice. Ninety-seven countries retain the death penalty in law and practice, but the number of countries known to carry out executions in a given year is far smaller - 37 in 1994. Moreover, the great majority of executions are carried out in a very small number of countries - another sign of the declining use of the death penalty. In 1994, 87 per cent of all executions recorded by Amnesty International were carried out in just three countries.

3. Once abolished, the death penalty is seldom brought back. Since 1985, 24 countries have abolished the death penalty in law or, having previously abolished it for ordinary crimes, gone on to abolish it for all crimes. During the same period, only three abolitionist countries reintroduced the death penalty. One of them, Nepal, has since abolished the death penalty again, and there have been no executions in the other two.

4. The decision to abolish the death penalty implies a recognition that this punishment has no special value for fighting crime. It reinforces the emerging consensus that the death penalty is incompatible with human rights - the right to life and the right not to be subjected to cruel, inhuman or degrading punishment.

5. In 1984, the Economic and Social Council adopted a resolution on safeguards, that should be followed in capital cases in countries that had not abolished the death penalty. 1/ A resolution on the implementation of the safeguards was adopted in 1989. 2/

6. Sadly, adherence to the safeguards is not universal. Prisoners continue to be executed without the fair trial protections set forth in the safeguards. The safeguards establish that the death penalty may be used only for the most serious crimes, but Amnesty International has recorded many cases of its use for crimes that did not involve loss of life or even the use of violence. The safeguards establish that the death penalty must not be used against people under 18 years of age at the time of the crime, but Amnesty International continues to record cases of juvenile offenders' being executed.

7. The desirability of abolishing capital punishment was reinforced when, in establishing the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, 3/ and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, 4/ the Security Council excluded the death penalty for the

gravest crimes possible: crimes against humanity, including genocide, and violations of the laws of armed conflict.

8. Amnesty International appeals to all Governments that retain the death penalty to ensure that the 1984 safeguards are scrupulously observed, to cease executing prisoners, and to embark upon a process that will lead to the abolition of this cruel and outmoded form of punishment.

Notes

1/ Economic and Social Council resolution 1984/50 of 25 May 1984.

2/ Economic and Social Council resolution 1989/64 of 24 May 1989.

3/ Security Council resolution 827 of 25 May 1993.

4/ Security Council resolution 955 of 8 November 1994.